



WEB COPY

W.P.No.7682 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7682 of 2023

R.Karpagalakshmi

... Petitioner

Vs.

1.State of Tamilnadu,
The Principal Secretary to Government,
Revenue Department,
Secretariat,
Chennai – 600 009.

2.The Commissioner of Land Administration,
Ezhilagam,
Chepauk,
Chennai – 600 005.

3.The District Collector,
Erode District,
Erode.

4.The Tahsildar,
Bhavani,
Erode District.

5.The Special Tahsildar,
Bhavani,
Erode District.

... Respondents

(R5 impleaded vide order dated
07.07.2023 made in
W.M.P.No.9613 of 2023)



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st Respondent to disburse compensation to the Petitioner based on current market value of the property in Survey No.15, Block 2, Bhavani based on the Petitioner's latest representation dated 19.01.2023 within a time frame to be fixed by this Court.

For Petitioner : Mrs.R.Gobika

For Respondents 1 to 5 : Mr.G.Krishnaraja,
Additional Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the first respondent to disburse compensation to the petitioner based on current market value of the property in Survey No.15, Block 2, Bhavani on considering the petitioner's latest representation dated 19.01.2023 within a time frame to be fixed by this Court.

2. The learned counsel for the petitioner states that the land belonged to the petitioner was acquired for public purposes. Though the land acquisition proceedings were initiated in the year 2005, till today, the



compensation has not been settled. Award has already been passed and the land vests with the Government. But the compensation due to the petitioner has not been settled and therefore, the petitioner is constrained to move the present writ petition.

3. The learned Additional Government Pleader appearing on behalf of the respondents relying on the status report filed by the fourth respondent made a submission that the District Revenue Officer, Erode has sent report to the Commissioner of Land Administration, Chennai vide letter dated 29.10.2021, requesting to obtain orders from the Government for releasing the compensation amount from the civil deposit. The Commissioner of Land Administration, Chennai has also recommended to the Government to release the deposit vide letter dated 31.12.2021. However, the matter is pending before the Government for passing appropriate orders.

4. The compensation due to the erstwhile land owners are to be settled without causing undue delay. Right to property is a constitutional right. Once it is taken away by the authority of law, then the compensation due is to be paid immediately without causing undue delay. In the present case, there is a



long delay in concluding the acquisition proceedings and settling the compensation due to the land owners.

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5. In view of the status report now filed, the first respondent is directed to sanction the compensation amount based on the recommendations of the respondents 2 and 3 and settle the same to the writ petitioner along with the admissible interest within a period of eight (8) weeks from the date of receipt of a copy of this Order.

6. With these direction, the writ petition stands allowed. No costs.

09.08.2023

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Index : Yes

Neutral Citation : Yes

Speaking order



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To

- 1.The Principal Secretary to Government,
Revenue Department,
Secretariat,
Chennai – 600 009.
- 2.The Commissioner of Land Administration,
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Chepauk,
Chennai – 600 005.
- 3.The District Collector,
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- 4.The Tahsildar,
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S.M.SUBRAMANIAM, J.

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